

United States
Circuit Court of Appeals

For the Ninth Circuit. 8

ONG GUEY FOON,

Appellant,

vs.

HARRY B. BLEE, Assistant Director of Immi-
gration and Naturalization,

Appellee.

Transcript of Record

Upon Appeal from the District Court of the United
States for the Southern District of California,
Central Division

FILED

MAR 27 1943

PAUL F. O'BRIEN,
CLERK

United States
Circuit Court of Appeals

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[Clerk's Note: When deemed likely to be of an important nature, errors or doubtful matters appearing in the original certified record are printed literally in *italic*; and, likewise, cancelled matter appearing in the original certified record is printed and cancelled herein accordingly. When possible, an omission from the text is indicated by printing in *italic* the two words between which the omission seems to occur.]

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NAMES AND ADDRESSES OF ATTORNEYS

For Appellant:

YOU CHUNG HONG, Esq.,
445 Ginling Way
Chinatown on North Broadway,
Los Angeles, California.

For Appellee:

BEN HARRISON, Esq.,
United States Attorney,
RUSSELL K. LAMBEAU, Esq.,
Assistant United States Attorney,
Federal Building,
Los Angeles, California. [1*]

In the United States District Court in and for the
Southern District of California, Central Division.

No. 14088-C

In the Matter of the Application of

ONG GUEY FOON

For a Writ of Habeas Corpus

PETITION FOR WRIT OF HABEAS CORPUS.

To the Honorable Judge in the Above-Entitled
Court:

Your Petitioner, Ong Guey Bet, Respectfully
States:

*Page numbering appearing at foot of page of original certified Transcript of Record.

I.

That he is a natural born citizen of the United States under the provisions of Section 1993 of the Revised Statutes, and that as evidence of his said citizenship, he holds Citizen's Certificate of Identity No. 19565 which was issued to him by the Commissioner of Immigration at the port of San Francisco, California, on July 13, 1915 after thorough investigation of his status as the lawful son of Ong You, a native born United States Citizen.

II.

That on November 20, 1938, your petitioner's blood brother Ong Guey Foon came from China to the United States and applied to the Immigration Authorities at the port of San Pedro, California, for admission as a natural born citizen being the foreign born son of his father Ong You, a native born citizen of the United States in the same manner as your petitioner had heretofore done under the aforesaid provisions of Section 1993 of the Revised Statutes as of before the Amendment of May 24, 1934; that on January 6, 1939 the said Ong Guey Foon was brought before a board of special inquiry for examination as to his admissibility and thereupon your petitioner as well as one Mrs. Quan Shee appeared before the said board to testify on his behalf; that due to the death of his father Ong You in Stockton, California, on or about January 15, 1922, this witness was not produced but his perpetuated testimony contained in San Francisco Immi-

gration Record No. 9599/90 and other connecting files was [2] available and produced for the use of the said board of special inquiry; that after hearing the evidence concerning the said applicant's ancestors, parents, brothers, sisters, children, home, home life, ancestral village, and all collateral matters pertaining to his relation to his father, Ong You, the said board denied the admission of the applicant Ong Guey Foon on the three following grounds: (1) that the applicant Ong Guey Foon testified before the board that there are now fifteen dwelling houses and one lantern house in his home village in China while your petitioner's immigration record showed that your petitioner testified in 1915, almost twenty-four years ago, that there were only twelve houses in that village; (2) that the said applicant was unable to give correctly all the exact ages and order of birth of some twenty odd children of his uncle Ong Lok's seven sons; and (3) that the said applicant was unable to identify your petitioner's photograph taken in 1921 and a 1917 photograph of his brother Ong Guey Chuck;

III.

That an appeal from the aforesaid excluding decision by the board of special inquiry was forthwith taken to the Board of Review of the Secretary of Labor but appellate board on or about April 28, 1939 sent the record back to the board of special inquiry for consideration of the question whether the applicant Ong Guey Foon was identical with

his brother Ong Guey Chuck who was unsuccessful in gaining admission to this country in 1917; that without notice to the applicant's attorney, the board ordered a photograph of the applicant to be taken, reopened the hearing on May 3, 1939, called one of their fellow-officer, Immigrant Inspector Raymond M. Tong, to testify that the applicant Ong Guey Foon and Ong Guey Chuck were one and the same person, and added this question of identity as an additional ground for the said applicant's exclusion; that subsequently, the applicant's attorney was notified of the second excluding order and Counsel thereupon requested that an opportunity be permitted to introduce findings from the scientific examination of the photograph and person of the applicant with the photograph of his brother Ong Guey Chuck used by the board of special inquiry; that on May 31, 1939, the case was again reopened for the testimony of Mr. John L. Haris, a well-known identification [3] expert of this city, who found that the said applicant is not his brother Ong Guey Chuck; and that at the conclusion of Mr. Harris' testimony as to his research and findings as well as the introduction of demonstration exhibits on behalf of the applicant, the board of special inquiry for the third time ordered the said applicant's exclusion;

IV.

That thereafter an appeal of the excluding decision of the examining board was again taken to the

board of review of the Secretary of Labor; that after a delay of some five months during which time the said applicant was in detention, the Secretary of Labor on September 30, 1939, affirmed the examining board's excluding decision and instructed Walter E. Carr, District Director of Immigration and Naturalization for the port of San Pedro, California, to deport the said Ong Guey Foon on the first available steamer to China; and that your petitioner has been informed and believes that the first available steamer would be the SS. "President Pierce" which will sail from this port on October 2nd, 1939 and that unless this Honorable Court intervenes, the said Ong Guey Foon will be so deported from the United States; and,

V.

That the evidence adduced before the Immigration Authorities has established to a reasonable and substantial certainty that the applicant Ong Guey Foon was the son of his father, Ong You, and that the findings on which the exclusion order based were arbitrary and unfair (1) because there was a period of some twenty-four years intervening between your petitioner's description of his home-village given in 1915 and the testimony of the applicant Ong Guey Foon given at San Pedro in 1939 describing the same village and the Immigration Authorities based their excluding decision on the increase of only 3 houses during this time and deliberately ignored the natural constantly changing

order of life and events as they are everywhere experienced, U. S. ex rel Noon v. Day, 44 Fed. (2d) 239; (2) because the applicant Ong Guey Foon has seven cousins and these cousins have altogether twenty some children of various ages, several of whom are twins and the fact said applicant testified that the two youngest children, one a boy and the other a girl, of his cousin Ong [4] Nguey Gim was approximately four and five years old respectively whereas the immigration record showed that these were twins was mere trifling detail of no importance and materiality to the issue presented in his case; and (3) because the board of special inquiry only presented the 1921 photograph of your petitioner to the said applicant for identification the same being partially mutilated with stamping by immigration officers over the face and refrained from showing other available photographs or your petitioner in person for identification purposes, and the photograph of Ong Guey Chuck was taken almost twenty-two years ago and the said applicant has not seen him since 1917 as he went from Hong Kong to the Straits Settlement directly from there after his return from this country, and further, our own Circuit Court of Appeals holds that failure to recognize photographs under similar circumstances is immaterial, Louie Poy Hok v. Nagle, 48 Fed. (2d) 753; (4) because there was no evidence to support the assertion that applicant was Ong Guey Chuck as it is nothing extraordinary for brothers to bear remarkable resemblance to one

another, and the Immigration Authorities deliberately ignored the scientific assistance rendered.

VI.

Your petitioner further states that the said Ong Guey Foon has been since November 20th, 1938 and is now being held in detention at the detention station at San Pedro, California, in the custody of the said Walter E. Carr, for which reason, the said Ong Guey Foon is unable to verify this petition, so your petitioner as his brother therefore verifies this petition in behalf of the said applicant Ong Guey Foon.

Wherefore your petitioner prays that a writ of habeas corpus be issued and directed to aforesaid District Director of Immigration and Naturalization Walter E. Carr as respondent herein, commanding him to hold the body of the said Ong Guey Foon within the jurisdiction of this Honorable Court and to present the said body before this Court at a time and place to be specified in the said Order, together with the time and cause of his detention, so that the same may be inquired into to the end that the said Ong Guey Foon may be restored to his liberty and go hence without day.

[5]

Dated at Los Angeles, California, this 30th day of September, 1939.

(Signed) Y. C. HONG,

Attorney for Petitioner

State of California

County of Los Angeles.—ss.

Ong Guey Bet, being duly sworn, deposes and states: That he is the petitioner named in the foregoing petition for a writ of habeas corpus; that the same has been read and explained to him and that he knows the contents thereof which is true of his own knowledge except those matters which are therein stated on information and belief, and as to such matters, he believes the same to be true.

(Chinese Signature)

(Sgd) (ONG GUEY BET)

Petitioner

Subscribed and sworn to before me this 30th day of September, 1939.

(Sgd) Y. C. HONG

Notary Public.

Los Angeles, California
October 2nd, 1939.

Let the writ issue as prayed for returnable before U. S. District Judge, Geo. Cosgrave on the 16th day of Oct. 1939 at 10 o'clock in the forenoon.

(Sgd) GEO. COSGRAVE

U. S. District Judge.

[Endorsed]: Received copy of the within Petition this 2nd day of October, 1939. Walter E. Carr.

[Endorsed]: Filed Oct. 2, 1939. [6]

United States District Court Central Division,
Southern District of California.

HABEAS CORPUS.

The President of the United States of America
To Walter E. Carr, District Director of Immigra-
tion and Naturalization, Greeting:

You are hereby commanded, that the body of Ong Guey Foon by you restrained of his liberty, as it is said detained by whatsoever names the said Ong Guey Foon may be detained, together with the day and cause of being taken and detained, you have before the Honorable George Cosgrave, Judge of the United States District Court in and for the Southern District of California, at the court room of said Court, in the City of Los Angeles, at 10:00 o'clock a. m., on the 16th day of October, 1939, then and there to do, submit to and receive whatsoever the said Judge shall then and there consider in that behalf; and have you then and there this writ.

Witness the Honorable George Cosgrave United States District Judge at Los Angeles, California, this 2nd day of October, A. D. 1939.

R. S. ZIMMERMAN

Clerk.

By J. M. HORN

Deputy Clerk.

[Endorsed]: Filed Oct. 16, 1939. [8]

[Title of District Court and Cause.]

RETURN TO WRIT OF HABEAS CORPUS.

I, Walter E. Carr, District Director of U. S. Immigration and Naturalization Service, Los Angeles, California District No. 20, Respondent herein, for my Return to Writ of Habeas Corpus issued herein and in compliance with the said Writ of Habeas Corpus, now produce the body of Ong Guey Foon on this 16th day of October, 1939 before this Honorable Court and for my Return to said Writ deny that I am unlawfully imprisoning and detaining and confining and restraining the liberty of the aforesaid Ong Guey Foon.

For further Return to said Writ Respondent admits that the said Ong Guey Foon arrived from China at the Port of San Pedro, California the 20th day of November, 1938 on the SS "President Coolidge" and made application for admission into the United States, and certifies that the true cause of said Ong Guey Foon's detention is the finding and order of a duly and regularly constituted Board of Special Inquiry denying him admission into the United States made May 31, 1939, and the order of the Department of Labor, Washington, D. C., made on or about September 30, 1939 confirming the decision of the said Board of Special Inquiry and ordering the return of said Ong Guey Foon to the country whence he came; that Respondent was preparing to return the said Ong Guey Foon to the country whence he came when this Writ of Habeas Corpus was issued.

For further Return Respondent makes a part hereof the Department of Labor certified record containing transcript of the testimony and summary and findings of the Board of Special Inquiry, San Pedro, California, and summary and findings of the Board of Review, Washington, D. C., and [9] also certain U. S. Immigration and Naturalization Service records, identified by files numbers 9599/90, 12017/14907, 16048/5-1, 19938/3-7, 22403/6-5, 29160/6-1, 30348/5-10, 32104/6-15, 35612/14-21 and 37387/8-20 (San Francisco), and 7402/637 and 14036/133-B (San Pedro), and Exhibits "A" to "G", inclusive.

Respectfully submitted,

WALTER E. CARR,

District Director of U. S. Immigration and Naturalization Service, Los Angeles, California, District No. 20, Respondent.

[Endorsed]: Filed Oct. 16, 1939. [10]

[Title of District Court and Cause.]

TRAVERSE TO RETURN.

To the Honorable United States District Judge, now presiding in the United States District Court, in and for the Southern District of California, Central Division,

Your Petitioner by way of traverse to the Respondent's Return herein respectfully alleges:

That he realleges and incorporates herein each and every allegation contained in his Petition verified the 2nd day of October, 1939; and

Wherefore, it is again respectfully submitted that the Writ should be sustained and Ong Guey Foon be discharged from the custody of the Respondent.

Dated at Los Angeles, California, this 17th day of October, 1939.

(Sgd) Y. C. HONG

Attorney for Petitioner. [12]

United States of America

State of California

County of Los Angeles.—ss.

Ong Guey Bet, being duly sworn, deposes and states that he is the petitioner in the foregoing traverse; that same has been read and explained to him and that he knows the contents thereof; that the same is true of his own knowledge except as to those matters which are therein stated on his information and belief, and as to those matters, he believes, it to be true.

(Chinese Signature)

(Sgd) ONG GUEY BET

Petitioner.

Subscribed and sworn to before me this 17th day of October, 1939.

(Sgd) Y. C. HONG

Notary Public

[Endorsed]: Received copy of the within Traverse this 17th day of October, 1939. Walter E. Carr, Respondent, By Albert Del Guercio. Received copy of the within Traverse to Return this 17 day of Oct. 1939. Ben Harrison, U. S. Atty. by William F. Hall, Asst. U. S. Atty., Respondent.

[Endorsed]: Filed Oct. 17, 1939. [13]

District Court of the United States, Southern District of California, Central Division.

No. 14088-C. Crim.

In the Matter of

ONG GUEY FOON

On Petition for Writ of Habeas Corpus.

MEMORANDUM OF ORDER.

Cosgrave, District Judge.

The immigrant in whose behalf petitioner has petitioned for writ of habeas corpus very plainly has had a fair trial in that no opportunity has been denied him to present evidence in his behalf. The action of the Board of Special Inquiry cannot be considered arbitrary or unreasonable, except that on the same evidence they might have come to the opposite conclusion, finding the immigrant entitled to admission. Notwithstanding the clear and forcible presentation made in behalf of the petition for the

writ, and the possibility that the Court might readily reach an opposite conclusion, the Court deems itself bound by the decision of the Department of Labor. *Quon Quon Poy vs. Johnson*, 273 U. S. 352; *Weedin vs. Yee Wing Soon*, 48 Fed. (2d) 36.

The petition for writ of habeas corpus must therefore be denied, and it is so ordered.

January 19, 1940.

[Endorsed]: Filed Jan. 19, 1940. [15]

At a stated term, to wit: The September Term, A. D. 1939, of the District Court of the United States of America, within and for the Central Division of the Southern District of California, held at the Court Room thereof, in the City of Los Angeles on Friday the 19th day of January in the year of our Lord one thousand nine hundred and *thirty-fourty*.

Present:

The Honorable George Cosgrave, District Judge.

[Title of Cause.]

This matter having come before the Court on October 10, 1939, for hearing on return to Writ of Habeas Corpus, and having been submitted on briefs to be filed 30x30x10, and the said briefs having been filed and duly considered by the Court,

the Court now files its Memorandum of Order; and, pursuant thereto, the Petition for Writ of Habeas Corpus is denied. [16]

[Title of District Court and Cause.]

NOTICE OF APPEAL.

To the Clerk of the above-entitled Court, Harry B. Blee, Assistant District Director of Immigration and Naturalization, and Benjamin Harrison, Esq., United States Attorney, Attorney for Respondent,

You and each of you will please take notice that Ong Guey Foon, the applicant in the above-entitled matter, hereby appeals to the United States Circuit Court of Appeals for the Ninth Circuit, from the Order and Judgment rendered, made and entered herein on January 19, 1940, discharging the writ of habeas corpus.

January 22nd 1940, Los Angeles, California.

(Sgd) Y. C. HONG

Attorney for Petitioner.

[Endorsed]: Received copy of the within Notice of Appeal this 22 day of January, 1940. Harry B. Blee, Respondent. Copy mailed Jan. 22, 1940 to Ben Harrison, Esq., U. S. Attorney, Federal Bldg., Los Angeles, Cal. R. S. Zimmerman, Clerk, By E. L. S., Deputy Clerk.

[Endorsed]: Filed Jan. 22, 1940. [17]

[Title of District Court and Cause.]

4392776

COST BOND ON APPEAL.

Know All Men By These Presents :

That the undersigned Fidelity and Deposit Company of Maryland is held and firmly bound unto the United States of America, in the full and just sum of Two Hundred and Fifty Dollars (\$250.00), to be paid to the United States of America, or their attorney, successors or assigns, to which payment, well and truly to be made, the undersigned binds himself, his heirs, executors and administrators, jointly and severally by these presents.

Sealed with his seal and dated this 24th day of January, 1940, at Los Angeles, California.

Whereas, lately in a habeas corpus proceeding in the United States District Court for the Southern District of California, Central Division, between the petitioner Ong Guey Foon and the respondent Harry B. Blee, Assistant District Director of Immigration and Naturalization with supervision over the port of San Pedro, California, as aforesaid, an order, judgment and decree was rendered by the said Court on the 19th day of January, 1940, against the said Ong Guey Foon, discharging the writ of habeas corpus and remanding the said petitioner to the custody of the respondent for deportation, and the said petitioner Ong Guey Foon thereupon on the 22nd day of January, 1940, filed his notice of appeal with the Clerk of the said Court to have the United States Circuit Court of Appeals for the

Ninth Circuit, to review and reverse the said order, judgment and decree in the aforesaid habeas corpus proceeding.

Now, the condition of the above obligation is such that if the said Ong Guey Foon shall prosecute his appeal to effect and answer all costs if he [19] fails to make his plea good, then the above obligation to be void, else to remain in full force and virtue.

FIDELITY AND DEPOSIT COMPANY OF MARYLAND

[Seal] By (sgd.) D. M. LADD

Attorney in Fact

Attest:

(sgd.) S. M. SMITH

Agent

State of California

County of Los Angeles.—ss.

On this 24th day of January, 1940, before me Theresa Fitzgibbons, a Notary Public, in and for the County and State aforesaid, duly commissioned and sworn, personally appeared D. M. Ladd and S. M. Smith, known to me to be the persons whose names are subscribed to the foregoing instrument as the Attorney in Fact and Agent respectively of the Fidelity and Deposit Company of Maryland, and acknowledged to me that they subscribed the name of Fidelity and Deposit Company of Mary-

land thereto as Principal and their own names as Attorney in Fact and Agent, respectively.

[Seal] (sgd.) THERESA FITZGIBBONS
Notary Public in and for Los Angeles County,
State of California.

My Commission Expires Feb. 18, 1942.

[Endorsed]: Filed Jan. 24, 1940. [20]

[Title of District Court and Cause.]

STIPULATION AND ORDER REGARDING
ORIGINAL RECORDS AND FILES OF
THE DEPARTMENT OF LABOR.

It is hereby stipulated and agreed by and between Y. C. Hong, Attorney for Appellant herein, and Benjamin Harrison, Attorney for the Appellee herein, that the original files and records of the Department of Labor covering the application of the above-named party, which were filed in the hearings in the above-entitled cause, may be by the Clerk of this court sent to the Clerk of the Circuit Court of Appeals for the Ninth Circuit, as part of the appellate record, in order that the said original immigration files may be considered by the Circuit Court of Appeals for the Ninth Circuit in lieu of a certified copy of the said records and files, and that the same need not be printed.

Dated this 6th day of February, 1940, at Los Angeles, California.

Y. C. HONG

Attorney for Appellant

(sgd) BEN HARRISON

United States Attorney

By (sgd) WM. FLEET PALMER

Asst. United States Attorney

Attorneys for Appellee

On this 6th day of February, 1940.

It is so ordered.

(sgd) GEO. COSGRAVE

United States District Judge. [22]

[Title of District Court and Cause.]

STIPULATION AND ORDER IN RE PRINT-
ING OF TRANSCRIPT OF RECORD.

It is hereby stipulated and agreed by and between the parties to the above-entitled cause, through their respective counsel, that the Clerk of the above-entitled Court, in preparing the printed transcript of record on appeal, may omit the heading of all papers filed except the citation, petition for writ of habeas corpus, and assignments of error, substituting in the place and stead thereof the phrase "Title of Court and Cause", and that the said Clerk may omit all backs of documents except the filing endorsements.

Dated this 6th day of February, 1940, at Los Angeles, California.

(sgd) Y. C. HONG

Attorney for Appellant

(sgd) BEN HARRISON

United States Attorney

By (sgd) WM. FLEET PALMER

Asst. United States Attorney

Attorneys for Appellee

It is so ordered.

February 6, 1940.

(sgd) GEO. COSGRAVE

United States District Judge.

[Endorsed]: Received copy of the within this 6th day of February 1940. Wm. Fleet Palmer, Asst. U. S. Atty.

[Endorsed]: Filed Feb. 6, 1940. [23]

[Title of District Court and Cause.]

STATEMENT OF POINTS ON WHICH APPELLANT INTENDS TO RELY AND DESIGNATION OF THE PARTS OF RECORD WHICH APPELLANT THINKS NECESSARY FOR THE CONSIDERATION THEREOF.

Comes now Ong Guey Foon, the Appellant in the above-entitled matter, respectfully stating that he intends to rely upon the contentions that the specially constituted District Court erred:

I.

In holding that the appellant was accorded a fair trial by the Immigration Authorities;

II.

In holding that the Board of Special Inquiry was not arbitrary or unreasonable;

III.

In holding that it was bound by the decision of the Department of Labor notwithstanding the strong evidence in favor of the appellant;

IV.

In holding that cases of *Quon Quon Poy vs. Johnson*, 273 U. S. 352; and *Weedin vs. Yee Wing Soon*, 48 Fed. (2d) 36 are analogous to the case of the appellant;

V.

In denying the petition for a writ of habeas corpus instead of discharging the appellant from the illegal custody of the appellee.

VI.

Therefore, the appellant deems it necessary and hereby requests that the briefs and arguments submitted on behalf of the appellant (petitioner below) and the brief filed by the appellee (respondent below) as well as all the [25] original immigration records and files constituting the exhibit submitted to the District Court below should be made exhibits before the Circuit Court of Appeals for the Ninth

Circuit of the United States by filing the same with the Clerk of the said appellate court in accordance with the stipulations adapted by and between the parties herein on February 6th, 1940.

Dated this 6th day of February, 1940, at Los Angeles, California.

Y. C. HONG

Attorney for Petitioner and Appellant.

[Endorsed]: Received copy of the within this 6th day of February 1940. Wm. Fleet Palmer, Asst. U. S. Atty.

[Endorsed]: Filed Feb. 6, 1940. [26]

[Title of District Court and Cause.]

DESIGNATION OF RECORD ON APPEAL.

To the Clerk of the said court:

Please prepare and duly authenticate the transcript of the following portions of the record in the above entitled case for appeal to the United States Circuit Court of Appeals for the Ninth Circuit:

1. *Petitioner* for Writ of Habeas Corpus and Order granting writ;
2. Writ of Habeas Corpus;
3. Return to writ of Habeas Corpus;
4. Traverse to Return;
5. Memorandum of District Court Order discharging writ;

6. Notice of Appeal;
7. Cost Bond on Appeal;
8. Stipulation and Order Regarding Original Records and Files of the Department of Labor;
9. Stipulation and Order In re Printing of Transcript of Record;
10. Statement of Points on Which Appellant Intends to Rely and Designation of the Parts of Record which Appellant Thinks Necessary for the Consideration Thereof.
11. Designation of Record on Appeal.

February 7th, 1940

Y. C. HONG

Attorney for Petitioner and Appellant

Approved:

(sgd) HARRY BLEE

Asst. District Director of Immigration
Respondent-Appellee.

(sgd) BEN HARRISON

U. S. Attorney

(sgd) RUSELL R. LAMBEAU

Asst. U. S. Attorney.

[Endorsed]: Filed Feb. 7, 1940. [28]

[Title of District Court and Cause.]

CLERK'S CERTIFICATE.

I, R. S. Zimmerman, Clerk of the District Court of the United States for the Southern District of California, do hereby certify the foregoing pages,

numbered from 1 to 29, inclusive, contain full, true and correct copies of Petition for Writ of Habeas Corpus; Writ of Habeas Corpus; Return to Writ of Habeas Corpus; Traverse to Return; Memorandum of Order; Minute Order January 19, 1940; Notice of Appeal; Cost Bond on Appeal; Stipulation and Order regarding original records and files of the Department of Labor; Stipulation and Order in re printing of transcript of record; Statement of Points on which Appellant intends to rely, and Designation of Record on Appeal, which together with original Immigration Records and Exhibits transmitted herewith, constitute the record on appeal to the United States Circuit Court of Appeals for the Ninth Circuit.

I do further certify that the fees of the Clerk for comparing, correcting and certifying the foregoing record amount to \$3.05, and that said amount has been paid me by the Appellant herein.

Witness my hand and the Seal of the District Court of the United States for the Southern District of California, this 16th day of February, A. D. 1940.

[Seal]

R. S. ZIMMERMAN,

Clerk

By EDMUND L. SMITH

Deputy Clerk.

[Endorsed]: No. 9451. United States Circuit Court of Appeals for the Ninth Circuit. Ong Guey Foon, Appellant, vs. Harry B. Blee, Assistant Director of Immigration and Naturalization, Appellee. Transcript of Record. Upon Appeal from the District Court of the United States for the Southern District of California, Central Division.

Filed February 17, 1940.

PAUL P. O'BRIEN,

Clerk of the United States Circuit Court of Appeals
for the Ninth Circuit.

